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Attorneys for Defendants
Translucence Research, Inc., Benjamin Fisch,
Charles Lu, and Nathan McCarty

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TEMUJIN LABS INC., a Delaware
corporation, and TEMUJIN LABS INC., a
Cayman Islands corporation

Plaintiffs,

vs.

TRANSLUCENCE RESEARCH, INC., a
Delaware corporation, BENJAMIN FISCH,
CHARLES LU, BENEDIKT BÜNZ,
NATHAN MCCARTY, FERNANDO
KRELL, PHILIPPE CAMACHO CORTINA,
BINYI CHEN, AND LUOYUAN (ALEX)
XIONG, and DOES 1-20,

Defendants.

CASE NO. 4:21-cv-09152-JST

**DEFENDANTS' AMENDED NOTICE OF
MOTION TO DISMISS COMPLAINT, OR
IN THE ALTERNATIVE, TO STAY CASE**

Date: May 26, 2022
Time: 2:00 p.m.
Courtroom: Courtroom 6 - 2nd Floor
Judge: Hon. Jon S. Tigar

Complaint Filed: November 24, 2021

AMENDED NOTICE OF MOTION

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on May 26, 2022 at 2:00 p.m., or as soon thereafter as the matter may be heard, in Courtroom 6 of this Court, located at 1301 Clay Street, Oakland, CA 94612, before the Honorable Jon S. Tigar, Defendants Translucence Research, Inc., Benjamin Fisch, Charles Lu, and Nathan McCarty (collectively “Defendants”) will and hereby do move this Court for an order pursuant to Federal Rule of Civil Procedure (“FRCP”) 12(b)(6) dismissing Plaintiffs Temujin Labs Inc. (Delaware)’s (“Temujin DE”) and Temujin Labs Inc. (Cayman)’s (“Temujin Cayman”) (collectively “Plaintiffs” or “Temujin”) Complaint without leave to amend, or in the alternative, for an order dismissing or staying this case pending adjudication of a related, ongoing action in California state court.

This Motion was filed on March 18, 2022 and set for hearing on May 5, 2022. *See* Dkt. No. 26. On March 24, 2022, the Court issued a notice that the hearing date of May 5, 2022 was vacated due to the date being unavailable to further settings, and stated that counsel must re-notice the Motion. *See* Dkt. No. 27. The Court stated that the briefing schedule remains in effect. *Id.* Defendants file this amended notice of Motion to re-notice the Motion for a new hearing date.

DATED: March 24, 2022

PAUL HASTINGS LLP

By: /s/ Edward Han

EDWARD HAN

Attorneys for Defendants
Translucence Research, Inc., Benjamin Fisch,
Charles Lu, and Nathan McCarty